

LOW, BALL & LYNCH

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June 12, 2008

The Honorable. Phyllis J. Hamilton
US District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Kristina Ennix Slaughter, et al. v. City of Emeryville, et al.*
USDC Northern District Court Case No. C08-01552

Dear Judge Hamilton:

As this matter now stands, it is scheduled for a Case Management Conference on June 26, 2008. I apologize for being tardy with this letter, but I will be out of the country from June 14 until July 1, 2008. In light of the status of the pleadings, that is the recent partial granting of the motion for dismissal by Abercrombie & Fitch, and the pending motion for dismissal by defendant Victoria's Secrets, I am writing this letter to request one of the following:

1. That the court excuse my appearance at the Case Management conference on June 26 and allow my associate, Mr. Dirk Larsen, to appear in my stead. While I am the lead trial attorney on this matter, Mr. Larsen is my second chair and is completely familiar with the case and will be prepared to set a schedule and trial date, as necessary;
2. Alternatively, in light of the unsettled pleadings, I would request that the case management conference be rescheduled until after the pleadings are settled. It is my understanding that Abercrombie & Fitch's status as a defendant may be conditioned upon testimony that will be given by their employee, Melissa Basefield. This is a deposition that is being noticed by plaintiff's counsel for July 7, 2008. Also, given the pending motion of dismissal by Victoria's Secrets, it well may be that there will be more motions filed regarding the complaint that are yet to be heard.

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Again, my apologies for not writing this letter sooner, as I inadvertently overlooked the case management conference and its conflict with this long-planned trip out of the country.

Very truly yours,

LOW, BALL & LYNCH

A handwritten signature in blue ink, appearing to read "Dale L. Allen, Jr.", with a stylized flourish at the end.

Dale L. Allen, Jr.

DLA/III